

REMARKS

Responsive to the Examiner's Action dated August 25, 2005, Applicant has amended the claims to more clearly define the invention and to more clearly distinguish the claims from the prior Sullivan et al. and Ferguson patents.

The Sullivan et al. patent is a wobbling irrigation sprinkler head which includes a magnet for initial tilt. Sullivan et al., which is one of Applicant's prior patents, is a wobbling irrigation sprinkler head for use on self-propelled mechanically moving irrigation systems in which the sprinkler head faces downward from the water supply conduit. The base of the sprinkler head attaches to a pipe leading from the central water supply conduit and directs water from a nozzle in the base against a wobbling water deflecting head which is movably attached to the base to support a deflector pad. The base includes a generally truncated cone base portion which is part of the fixed base and acts as a shield for a ferric metal washer and rotary connection. The wobbling water deflector portion of this sprinkler head does not include a counterbalancing skirt on one end of the water deflecting head and extending around a portion of the base and spaced from the base for rotation with the water deflector head. It would be unobvious to a person of ordinary skill in the art and would require a total redesign to

convert the truncated cone base portion which is used for shielding to a counterbalancing skirt for the wobbling water deflector head.

The Ferguson patent is a fire extinguisher spinner nozzle for dispensing dry chemical-type fire extinguishing agents when the dry chemical powder material is aerated by a pressurized gas to fluidize the powder material for discharge through a conduit onto a fire. The spinner means is a spinning rotating head which does not wobble and does not act as counterweight and is rotatably attached directly to the powder deflecting pad. A spinner disc skirt portion has been attached to the periphery of the spinner portion and has vanes thereon so that the flowing air and powder directed against the vanes will cause the spinner to spin. The spinner disc skirt portion is removably attached to the spinner so that it can be inverted for distributing the powder at an upward or downward angle. This spinner head is not a wobbling irrigation sprinkler head or a sprinkler head of any kind for irrigation and does not have a wobbling water deflector head and does not provide for the deflector head having two end portions and being movably attached to the base between end portions in the present claims, as amended. Ferguson does not have the deflector pad on one end of the deflector head while having a counterbalancing skirt on the

other end of the water deflecting head and extending around a portion of the base.

It would be unobvious to a person of ordinary skill in the art to combine the Ferguson patent with the Sullivan et al. patent in that one relates to a dry powder fire extinguisher spinner nozzle while the other relates to a wobbling irrigation sprinkler head having no relationship to each other. Combined, these patents would require a total redesign, which would be unobvious to a person of ordinary skill in the art. That is, the Sullivan et al. patent truncated cone base portion is attached to the fixed base for shielding components and has no connection to the wobbling head. It would be unobvious, especially in the absence of a teaching reference, to attach the spinning head of Ferguson to the Sullivan wobbling irrigation sprinkler head since the two work in entirely different manners and there is no suggestion in the Ferguson patent to attach a counterbalancing skirt to a wobbling sprinkler head. The spinning head of Ferguson, is in fact, not attached to the wobbling sprinkler head and is attached directly to the powder deflecting pad.

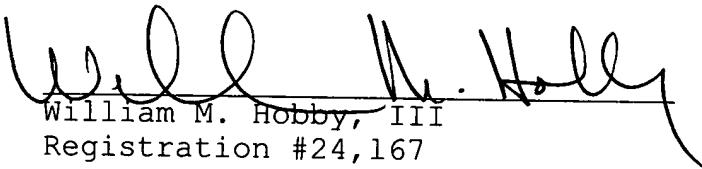
Applicant has amended claim 1 to more clearly define the claim in view of the present invention which more clearly defines the claim over both Sullivan and Ferguson, individually or in

**Serial No. 10/633,477**

combination. Neither of these patents individually or in combination defines a wobbling water deflector head having two end portions and being movably attached to a base between the end portions with one end portion having the water deflector pad and the other having a counterbalancing skirt which extends around a portion of the fixed base.

Applicant would accordingly request reconsideration and allowance of the present application. The Examiner is requested to phone the undersigned attorney if this case can be expedited.

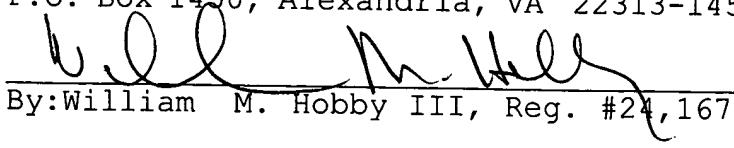
Respectfully submitted,

  
William M. Hobby, III  
Registration #24,167

157 E. New England Avenue  
Suite 375  
Winter Park, Florida 32789  
(407) 644-8888

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 11-17-05.

  
By: William M. Hobby III, Reg. #24,167